

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



**EMPLOYERS MUTUAL CASUALTY
COMPANY AND EMCASCO INSURANCE COMPANY**

PLAINTIFFS

VS.

CIVIL ACTION NO.: 3:05-CV-00272-TSL-JCS

**EVELYN K. GOERS, CHERYL GOERS,
and UNION PLANTERS NATIONAL BANK**

DEFENDANTS

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS CAUSE having come on before the Court on *ore tenus* motion for dismissal by the parties and the Court finding the parties hereto are in agreement to same,

IT IS THEREFORE ORDERED AND ADJUDGED,

1. That this declaratory judgment action seeking a determination that no coverage exists or existed under any policy issued by either of the Plaintiffs either for the benefit of or to either of the Defendants herein, is hereby dismissed without prejudice to Employers Mutual Casualty Company and EMCASCO Insurance Company, their assigns, privies, subsidiaries and associates defenses to coverage or otherwise as to any subsequent claim made by anyone in any way connected with the allegation made by the Defendants, Evelyn Goers and Cheryl Goers in a certain case styled *Evelyn Goers, et al. v. EMC Insurance Companies, et al.*; Civil Action Number 3:05cv544-HTW-JCS.

2. This action is dismissed without prejudice.

3. This Court shall retain jurisdiction over this matter pending an Order making final disbursements of all funds deposited with the registry of this court.

4. Each party herein shall bear their own costs, expenses and attorneys fees.

SO ORDERED AND ADJUDGED, this the 26 day of Mar 2007.



**HONORABLE JAMES SUMNER
UNITED STATES MAGISTRATE JUDGE**

Agreed as to Substance and Form:

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